

INTERVIEW SUMMARY UNDER 37 CFR §1.133 AND MPEP §713.04

A telephonic interview in the above-referenced case was conducted on June 25, 2003 between the Examiner and the Applicant's undersigned representative. Examiner's assistance in clarifying the rejections of claims 1, 6-9, and 20-28 is greatly appreciated. Please note that a complete written statement of the interview is attached using the Applicant Initiated Interview Request Form (PTOL-413A). The Applicants wish to thank the Examiner for his time and attention in this case.

REMARKS

Claims 1, 20 and 22 have been amended to clarify the subject matter regarded as the invention. Claims 1, 6-9, and 20-28 remain pending.

The Examiner has rejected claims 1, 6-9, and 20-28 under 35 USC §103(a) as being unpatentable over Want et al. (U.S. Patent No. 6,008,727), in view of Armstrong (U.S. Patent No. 5,461,385), and further in view of Werb (U.S. Patent No. 6,843,427). The rejection is respectfully traversed.

With respect to claim 1, the Examiner stated that it would have been obvious to "...have one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response which includes detecting a motion in Want et al. as evidenced by Armstrong in view of Werb because Want et al. suggests a transponder with integrated circuit and responsive to external stimulus and Armstrong teaches a transponder having one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response in order to provide different information based on the external stimulus and Werb teaches a radio frequency tag having motion detector and changing the response state in term of the frequency of transmission based on the detection of motion." (pp. 2-3, Office Action). However, Want et al., Armstrong, and Werb do not disclose one or more integrated circuits responsive to an external stimulus received at an interface to *irreversibly* change a state of the transponder. In fact, Want et al., Armstrong, and Werb never disclose irreversibly changing the state of the transponder of a passive RF transponder as claimed.

There is no teaching, suggestion, or motivation in Want et al. regarding a passive radio frequency transponder or irreversibly changing a state of the transponder.

Armstrong discloses that a change in an RF transponder occurs based upon the position of a sensor switch. (Col. 2, lines 41-54). By changing the switch from a first position to a second position and back to a first, Armstrong can reversibly change the state of the RF transponder. Armstrong therefore teaches away from Claim 1 and does not disclose irreversibly changing the state of the transponder.

Finally, Werb does not disclose irreversibly changing the state of a passive radio frequency transponder. Instead, Werb discloses modulating tag data onto a transmitted signal. (Col. 5, lines 33-40). Werb teaches an RF transponder that actively modulates and transmits data, not passively responds to polling as in the claimed invention. (Col. 5, line 61 to col. 6, line 30). Claim 1 recites a passive radio frequency transponder that irreversibly changes state and does not send a modulated data signal as in Werb. The disclosure in Werb teaches away from Claim 1. Claim 1 is not obvious because none of the references, either in combination or individually, teach or suggest all of the claimed elements.

Thus, Claim 1 is not obvious over Want et al. in view of Armstrong, and in further view of Werb. Applicant submits that Claim 1 is in condition for allowance.

Claims 6-9, 20 and 21 depend from claim 1 and are believed to be allowable for the same reasons described above.

Additionally, Claim 22 was amended similarly to Claim 1. Applicant submits that Claim 22 is also in condition for allowance for the same reasons as those stated above for Claim 1.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,



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